

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 1045 by Representative Seabaugh

LIABILITY: Provides for defense and indemnification of state officers and employees

Synopsis of Senate Amendments

1. Changes indemnification from covered individual in fulfillment of the individual's contract with the state or any of its departments to individual engaged in the provision of services on behalf of the state or its departments as further defined by law.
2. Revises definition of physicians and dentists who either contract with or provide services on behalf of the state to specify those who provide professional assistance to the contracting agency when such professional assistance is alleged to have caused harm to third parties.
3. Deletes provisions regarding contracts for services including but not limited to persons licensed by the state or its agencies.

Digest of Bill as Finally Passed by Senate

Present law provides for the defense and indemnity of covered individuals by the state against any claim, demand, suit, complaint, or petition seeking damages over alleged negligence or other act by the individual while the individual was engaged in the performance of the duties of the individual's office or employment with the state.

Proposed law retains present law and includes individuals engaged in the provision of services on behalf of the state of any of its departments as further defined by law.

Present law defines a "covered individual", in part, as a physician who either contracts with or provides services on behalf of the state or any of its departments, whether compensated or not, in treating and performing evaluations of persons when such persons cause harm to third parties.

Proposed law changes "physician" to "physician or dentist" and includes as a covered individual a physician or dentist who either contracts with or provides services on behalf of the state or any of its agencies, whether compensated or not, (1) in treating and performing evaluations of persons when such persons cause harm to third parties; or (2) that provide professional assistance to the contracting agency when such professional assistance is alleged to have caused harm to third parties.

(Amends R.S. 13:5108.1(A)(1) and (E)(2))